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DATE FILED: 3/17/2016

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN CARLOS TORRALBA, *individually and on behalf  
of others similarly situated,*

*Plaintiff,*

v.

GIGINO, INC. (d/b/a GIGINO TRATTORIA), ROBERT  
GIRALDI, JOSETTA MOLA, PHILIP SUAREZ, and  
LUIGI CELENTANO,

*Defendants.*

Civil Action No. 15-cv-07625  
(VEC)

ECF Case

**SECOND AMENDED STIPULATION AND ORDER OF DISMISSAL WITHOUT  
PREJUDICE**


Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and the Order of the Honorable Valerie E. Carponi, United States District Judge, dated March 11, 2016 (Docket Entry No. 34), Plaintiff Juan Carlos Torralba ("Plaintiff") and Defendants Gigino, Inc., Robert Giraldi, Philip Suarez, and Luigi Celentano (collectively "Defendants," and with Plaintiff, the "Parties") hereby, by and through their counsel, amend their prior Stipulation and Order of Dismissal Without Prejudice executed by the Parties on March 8, 2016, and First Amended Stipulation and Order of Dismissal Without Prejudice dated March 9, 2016, and stipulate to the following.

The Parties hereby agree that Plaintiff's Complaint in the above-captioned matter is dismissed in its entirety and without prejudice, and without costs or attorneys' fees to any party.

Further, the Parties, through their undersigned counsel, hereby represent to the Court that this matter is being dismissed for reasons other than a settlement between the Parties and Defendants are not receiving any release from Plaintiff in connection with this dismissal. As a result, the Parties respectfully submit that this dismissal falls outside the purview of the Second

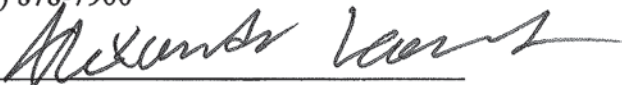
Circuit's directives as set forth in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

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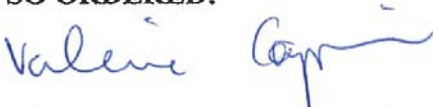
Dated: March 16, 2016

FOX ROTHSCHILD LLP  
*Attorneys for Defendants Gigino, Inc.,  
Robert Giraldi, Philip Suarez, and  
Luigi Celentano*  
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By:   
Carolyn D. Richmond, Esq.  
Alexander W. Leonard, Esq.

Dated: March 16, 2016

**SO ORDERED:**

  
Honorable Valerie E. Caproni  
United States District Judge gk

Dated: March 17, \_\_\_\_\_, 2016  
New York, New York